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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,799	03/06/2002	Katunori Takahashi	04208.0139	6672

7590 08/20/2003

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EXAMINER

HARVEY, JAMES R

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 08/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,799

Applicant(s)

TAKAHASHI, KATUNORI

Examiner

James R. Harvey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-12 and 14-17 is/are rejected.
- 7) ☒ Claim(s) 3, 4, and 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

- Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

- The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
 - The following title is suggested: Open Type IC Socket with a Cover Member and a Guiding Members
 - Appropriate correction is required.

Drawings

- The drawings are objected to because the cross-hatching is improper. See MPEP 608.02.

For example, portions of the drawings in section and made of an insulated material must be crosshatched with alternating thick and thin lines, not with just thin lines.

- The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.
 - In reference to claims 2, 5-7, 11, 12, 16, 17, the meaning of "envelope" is not assigned an element number in the drawings or described in the specification in a manner to that one skilled in the art can precisely know the structure applicant desires patent protection for.

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-- The above feature(s) must be shown or the feature canceled from the claim. No new matter should be entered.

- **Please note that drawing corrections will no longer be held in abeyance. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application.**
- **If drawing correction are not submitted with the response to this office action, the response will be consider a Non-Responsive Reply and the following paragraph will apply:**

The reply filed on (...) is not fully responsive to the prior Office Action because: (...) Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Claim Rejections - 35 USC § 112

- The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- Claim(s) 2, 5-7, 9-11, 12, 14-17 and those dependent thereon are rejected under 35

U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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-- In reference to claims 2, 5-7, 11, 12, 16, 17 and those dependent thereon, the meaning of “envelope” is not assigned an element number in the drawings or described in the specification in a manner to that one skilled in the art can know the meets and bounds of the claim. For purposes of examination, it is assumed that applicant intended to claim that the inner circumference of the opening is substantially aligned with outer ends of the first contacts (or lead terminals of the IC package) when the IC socket is in an electrically connected position. A rejection based upon prior art, as best understood, is addressed below.

-- In reference to claims 9 and 14, the claim language is not clear if applicant intended to claim “a curved elastic portion at its intermediate portion” is a further limitation of the first arm or the second arm. For purposes of examination, it is assumed that applicant intended to claim it as a further limitation for the second arm. A rejection based upon prior art, as best understood, is addressed below.

-- Appropriate response to the above is required.

Claim Rejections - 35 USC § 102

- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- Claim(s) 1, 2, 5, 6, and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kishi et al. (5431579).

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-- In reference to claim 1, Kishi shows (cover sheet) a socket body 1; and a cover member 5 mounted vertically movable to the socket body to open and close contacts 2; wherein the socket body has a mounting portion 1a to support an IC package p1 mounted on the socket, and the cover member has a square opening facing the mounting portion 1a and inclined guide wall surfaces (the inclined surfaces near 5a, 5b, and 5c figure 2) leading to the opening and adapted to guide the IC package to be mounted onto the mounting portion.

In particular reference to the claim limitation "square opening" the parameters of the opening are not defined and can be any opening that a square object can pass through.

-- In reference to claim 2, Kishi shows at least two opposing sides 1f (figure 1) of the opening substantially match with an envelope joining tips of lead terminals p2 (cover sheet) extending from the IC package to be mounted.

-- In reference to claim 5, Kishi shows a plurality of fixed contacts 2a are arranged around the mounting portion 1a and two opposing sides 1f (figure 1) of the opening substantially match with an envelope joining outer ends of the fixed contacts.

-- In reference to claim 6, Kishi shows a plurality of fixed contacts 2a are arranged around the mounting portion 1a and two opposing sides 1f of the opening substantially match with an envelope joining outer ends of the fixed contacts 2a.

-- In reference to claim 8, Kishi shows (cover sheet) a socket body 1 having a mounting portion 1a for supporting an IC package (p) and a plurality of contacts 2 arranged around the mounting portion 1a to come into contact with tips of lead terminals p2 (cover sheet) extending from the IC package; and a cover member 5 having an opening at a center thereof

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and mounted vertically movable to the socket body to open and close the contacts 2; wherein the opening has its lower edge formed into a square facing the mounting portion and has inclined guide wall surfaces (the inclined surfaces near 5a, 5b, and 5c, figure 2) that can be used for guiding the IC package onto the mounting portion 1a.

In particular reference to the claim limitation “square opening” the parameters of the opening are not defined and can be any opening that a square object can pass through.

-- In reference to claim 9, Kishi shows (figure 2) the contacts each have a base portion 2g embedded in the socket body, a first arm 2a extending from the base portion 2g and having a first contact at its tip, and a second arm 2b extending from the base portion and having a second contact at its tip 2c and a curved elastic portion 2d at its intermediate portion.

-- In reference to claim 10, Kishi shows the first contacts at the tips of the first arms are secured (phantom outline (figure 6) to the socket body (near 1f).

-- In reference to claim 11, Kishi shows (figure 1) two opposing sides 1f of the opening almost match with an envelope joining outer ends (near 2a) of the first contacts of the first arms of the contacts.

-- In reference to claim 12, Kishi shows at least two opposing sides 1f (figure 1) of the opening substantially match with an envelope joining tips of lead terminals p2 (cover sheet) extending from the IC package to be mounted.

- In reference to the claim language “adapted to, to , for”, this claim language is for the intended employment of the claimed apparatus and has not seen to be a claim limitation, since it

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has been held a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Allowable Subject Matter

- Claim(s) 3, 4, 7, and 13-17 has(have) or depend from claims that has(have) allowable subject matter.
- Claim(s) 3, 4, 7, and 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- Claim(s) 7 and 14-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: **The prior art does not show a first inclined wall surface, a second inclined wall surface with an inclination angle larger than an inclination angle of the first inclined guide wall surface, and a third inclined wall surface connecting to the first and second inclined guide wall surfaces that in combination with all the elements of the claim and the examiner knows of no permissible motivation to combine the prior art such that the subject matter as a whole would have been obvious when the invention occurred.**

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If the application becomes allowable, any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowable Subject Matter".

Conclusion

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Effective May 1, 2003, the United States Patent and Trademark Office has a new Commissioner for Patents address. Correspondence in patent related matters must now be addressed to:

**Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450**

For additional information regarding the new address, see Correspondence with the United States Patent and Trademark Office, 68 Fed. Reg. 14332 (March 25, 2003).

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- The prior art listed on PTO form 892 that is made of record and not relied upon is considered pertinent to applicant's disclosure because it shows the state of the art with respect to applicant's claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 703-305-0958. The examiner can normally be reached on 8:00 A.M. To 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 703-308-2319. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9318 (OFFICAL/BEFORE FINAL) and 703-872-9319 (OFFICAL/AFTER FINAL).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

James R. Harvey, Examiner

jrh

August 11, 2003



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PRIMARY EXAMINER